



2014 Legislative Session Sentencing Update

Utah Sentencing Commission

Bill #	Title	Sponsor	USC Position	Description	Penalty Changes	Increased Fine or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact
House Bills								
HB 11	Overdose Reporting Amendments	Rep. Moss	SUP	Provides that remaining with a person subject to an overdose and cooperating with medical providers and law enforcement is a mitigating factor when determining the penalty for a related violation of the Controlled Substances Act.				
HB 15	Driver License Suspension Amendments	Rep. Sagers	SUP	Requires DLD to shorten a 1 or 2 year license suspension or denial for certain alcohol related offenses to a 6 month period if: the driver was under age 19; it was the first offense committed prior to May 14, 2013; and the suspension or denial was based on the same occurrence.				
HB 30	Controlled Substances Amendments	Rep. Ray	SUP	Adds new "spice" and emerging drug analogs to the listed controlled substances: AB-PINACA, AB-FUBINACA, MAM-2201, PB-22, 5-fluoro PB22, & 25H-NBOMe.	New Class B Misdemeanor			
HB 48	Reports on Alternative Sentencing	Rep. Duckworth	SUP	Requires a county sheriff to keep records of prisoners released to an alternative incarceration program regarding the release status of the prisoner and the type of release program.				

HB 53	Restitution Amendments	Rep. Peterson	SUP	Provides for a juvenile court to retain jurisdiction to make and enforce orders related to restitution.				
HB 58	Bigamy Revisions	Rep. Anderson	N/P	Removes cohabitation with another person as an element of the offense of bigamy.				
HB 68S01	Protection of State Park Resources	Rep. Pitcher	N/P	Prohibits a person from exercising unauthorized control over, damaging, defacing, excavating, altering, destroying, or removing any: geological area, site, feature, or formation located on property administered, managed or owned by the Division of State Parks & Recreation; or property, structure, or resource belonging to or located on property administered, managed, or owned by the Division of State Parks & Recreation. Provides a method of calculating the value of a division resource.	New Class A & 3rd Degree Felony	New fine of up to 3 x value of damage		
HB 71S01	Distribution of Intimate Images	Rep. Poulson	SUP	Provides a definition of “intimate image.” Provides exceptions for lawful use and specified internet service providers. Provides that distribution of an intimate image of an individual without that individual’s permission is a Class A Misdemeanor and any subsequent convictions are a 3 rd Degree Felony.	New Class A & 3rd Degree Felony			\$16,600
HB 75S01	Restoration of Civil Rights for Nonviolent Felons	Rep. Oda	N/P	Exempts persons with expunged convictions of certain nonviolent felonies from being a restricted person prohibited from possessing a dangerous weapon.				
HB 101	Roadway & Sidewalk Safety Amendments	Rep. Nielson	N/P	Prohibits individuals from engaging in conduct that impedes or blocks traffic within certain roadways. Prohibits individuals from soliciting money or goods in an aggressive manner on sidewalks within 10 feet of the entrance or exit of a bank or ATM. Does not prohibit a temporary spontaneous demonstration.	New Class C Misdemeanor			
HB 105S09	Plant Extract Amendments	Rep. Froerer	--	Permits Department of Agriculture and department-certified higher education institution to grown industrial hemp for the purpose of agricultural or academic research. Exempts an individual with intractable epilepsy who uses or possesses hemp extract from penalties under the CSA.	Removes Class B Misdemeanor			\$3,200

HB 119S01	Opiate Overdose Emergency Treatment	Rep. Moss	--	Permits the dispensing and administration of an opiate antagonist to a person reasonably believed to be experiences an opiate-related drug overdose event. Establishes immunity for the good faith administration of an opiate antagonist and does not establish a duty to administer. It is not unlawful or unprofessional conduct for certain health professionals to prescribe an opiate antagonist				
HB 137S01	Amendments to Driver License Sanctions for Alcohol Related Offenses	Rep. Knotwell	SUP	Authorizes a court to reduce the driver license suspension period for certain alcohol related offenses in certain circumstances.				
HB 157S01	Rape Kit Processing Amendments	Rep. Seelig	SUP	Provides specified rights to a victim of a sexual offense, such as the right to be informed whether the DNA profile of the assailant was obtained, to be informed whether the profile was entered into the Utah Combined DNA Index System, and if there is a match, provided that disclosure would not impede or compromise an ongoing investigation.				
HB 185	Juvenile Detention Facilities Amendments	Rep. Hutchings	SUP	Establishes considerations for a district court when determining placement of a minor. Requires placement in a juvenile detention facility under certain circumstances. Provides considerations for a juvenile court when binding a minor over to the jurisdiction of a district court until the time of trial.				\$20,800
HB 200	Unlawful Removal or Vandalism of Campaign Signs	Rep. Hutchings	N/P	Subject to certain exceptions, makes it a class B misdemeanor for a person to remove, alter, deface, or otherwise vandalize a campaign sign.	New Class B Misdemeanor			
HB 211S01	Substance Abuse Amendments	Rep. Kennedy	--	Requires Office of Licensing to charge an annual licensing fee to recovery residences. Requires DSAMH to cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance abuse disorder, by identifying and disseminating information about effective practices and programs.				
HB 212	DNA Collection Amendments	Rep. Kennedy	--	Provides that law enforcement agencies may collect DNA samples at the time of booking for any person arrested for any felony offense beginning May 13, 2014; requires collection after January 1, 2015.				\$65,000

HB 213S01	Criminal Penalties for Sexual Contact with a Student	Rep. Christensen	OPP	Modifies the offense of aggravated sexual abuse of a child by providing a definition of the term “position of special trust” and clarifying that the definition includes adult employees and volunteers at public and private schools. Provides that specified sexual conduct against victims between ages 14-18 is a 3 rd Degree Felony and grounds for revocation of a teacher’s license.	New 3rd Degree Felony			
HB 248S01	Crime Victims Restitution Amendments	Rep. McKell	N/P	Allows for a person who claims pecuniary damages as a result of a defendant’s criminal activities to seek restitution individually through a representative.				
HB 254S01	Human Trafficking Victim Amendments	Rep. Seelig	SUP	Provides that a child is not subject to a delinquency proceeding for engaging in prostitution unless a law enforcement officer has referred the child to DCFS on at least one prior occasion for an alleged act of prostitution or sexual solicitation.	Removes Class B Misdemeanor on 1st offense			
HB 257	Aggravated Sexual Abuse of a Child Amendments	Rep. Wilson	SUP	Modifies the offense of aggravated sexual abuse of a child by providing a definition of the term “position of special trust.”				
HB 268S02	Dangerous Weapons Amendments	Rep. Greene	OPP	Defines dangerous weapon as a firearm or an object which is used unlawfully to inflict serious bodily injury. Clarifies the criminal culpability of transferring a dangerous weapon to a restricted person. Provides that a restricted person may own, possess, or have under the person’s custody or control archery equipment, including crossbows, for the purpose of lawful hunting and target shooting.	Removes a 3rd Degree Felony & a Class A Misdemeanor			
HB 277	Music Therapist Licensure Amendments	Rep. Edwards	N/P	Requires DOPL certification to a person who qualifies under this chapter to engage in the practice of music therapy as a state certified music therapist. Provides what constitutes unlawful conduct and that it is unlawful for a person who is not a state certified music therapist to use the title state certified music therapist, or represented that they are certified.	New Class B Misdemeanor			
HB 290	Criminal Code – General Provisions	Rep. Moss	SUP	Adds the conjunctive word “and” regarding the two listed elements of a criminal offense.				
HB 308	Criminal Penalty Amendments	Rep. Hall	PRI	Removes a requirement that a municipality impose a minimum penalty for a municipal ordinance, but does not modify the maximum penalty limitation.				

HB390	Unlawful Activities Amendments	Rep. Chavez-Houck	N/P	Enacts a Class A Misdemeanor offense of obstructing a legislative proceeding and defines “official proceeding” under 76-8-5. Amends the offense of a pattern of unlawful activity to include, as unlawful activities, tampering with evidence or the falsification or alteration of certain government records.	New Class A Misdemeanor			
HB 392S01	Delegate Responsibility Amendments	Rep. Powell	OPP	Prohibits a Utah delegate to an Article V Convention from acting in a manner that supports or approves an unauthorized amendment or change to the US Const.	New 3rd Degree Felony			
HB 394S01	Campaign Finance Revisions	Rep. Dunnigan	N/P	Establishes civil and criminal penalties for violating certain provisions of this bill relating to the filing or content of a financial disclosure form.	New Class B Misdemeanor	New fine of \$100		
HB 399	Truancy Amendments	Rep. Gibson	--	Provides that a local school board or charter school may not issue a habitual truant citation to a school-age minor if the school-age minor has at least a 3.5 cumulative grade point average; and is at least 16 years old.	Removes status offense			
HB 411	Victim Restitution Amendments	Rep. Wilson	SUP	Requires the court to maintain jurisdiction of a case and continue probation for a defendant who has unpaid accounts receivable related to fines, fees, or restitution.				
HB 427	Asset Forfeiture Revisions	Rep. Hutchings	SUP	Modifies the Forfeiture and Disposition of Property Act to provide that the funds in the State Asset Forfeiture Grant Program may be used for crime victim reparations.				

Senate Bills

Bill	Title	Sponsor	USC Position	Description	Penalty Changes	Increased Fine or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact
SB 13	Theft Amendments	Sen. Thatcher	SUP	Provides that a penalty for a third theft conviction in 10 years becomes a third degree felony if one of the prior convictions was a Class A misdemeanor, if the value of the property is more than \$500 but less than \$1500, or the person has been previously convicted of felony theft. Changes the penalty from a felony to a Class A misdemeanor for a person convicted of theft for a third time in 10 years.	Reduced some 3 rd Degree Felonies to Class A Misdemeanor			
SB 36S05	Voter Information Amendments	Sen. Mayne	SUP	Prohibits the use of the list of registered voters, the reproducing of the list or information obtained from the list for certain purposes, including commercial purposes, to solicit donations, or to conduct surveys.	New Class B misdemeanor	New fines based on formula		
SB 87	Contractor Employee Amendments	Sen. Mayne	N/P	Clarifies it is unlawful conduct to hire or compensate an unlicensed person to perform work on a project, unless the person is an employee of a licensee for wages and is not required to be licensed under the Utah Construction Trades Licensing Act. Requires a licensee to provide a pay statement to an individual each time the licensee pays the individual for work performed. Provides enforcement and penalties.	New Class A Misdemeanor	New fines of \$50, \$100, & \$500		
SB 137S01	Health Care Professional Truth in Advertising	Sen. Weiler	N/P	Beginning January 1, 2015, requires a health care provider to wear a badge or clothing that identifies the health care provider's name and license type. Prohibits deceptive or misleading representations by a healthcare provider. Makes it unprofessional conduct for a health care provider to fail to wear identification in a patient encounter. Makes it unlawful conduct for an individual to wear identification in a patient encounter that suggests the individual is licensed to perform health care services for which the individual is not licensed to perform. Makes it unlawful conduct to engage in deceptive or misleading representations.	New Class A Misdemeanor	New fines of \$1,000 & \$2,000		

SB 145	Background Check Amendments	Sen. Bramble	--	Clarifies that criminal history record information that does not relate to a conviction may not be released to an entity requesting an employment background check.				
SB 201S02	Expungement Modifications	Sen. Jenkins	--	Includes Dept of Insurance, Commerce, and CCJJ in the list of agencies allowed to access expunged files. Prohibits agencies authorized to access expunged records in certain circumstances from revealing or releasing any information related to the expunged record. Provides for Board of Pardons & Parole to issue an order of expungement when granting a pardon.				
SB 205	Controlled Substance Penalty Amendments	Sen. Hillyard	PRI	Provides that increased penalties for the possession of a controlled substance in certain circumstances may not result in an offense greater than a second degree felony.	Removes a 1st Degree Felony			
SB 212	Invasive Species Amendments	Sen. Knudson	OPP	Authorizes DWR to establish inspection stations to temporarily stop, detain, and inspect a conveyance or equipment that may be contaminated with Dreissena mussel. Provides that a person who proceeds through an inspection station or administrative checkpoint is guilty of a Class B Misdemeanor.	New Class B Misdemeanor			
SB 226	Professional Licensing Amendments	Sen. Valentine	SUP	Provides that it is unprofessional conduct for a licensee who has had a license reinstated following disciplinary action, to practice an occupation or profession using a different name than the name used before the disciplinary action.				
SB 253S01	Distracted Driver Amendments	Sen. Urquhart	--	Amends the list of prohibited activities taking place within a vehicle during a moving traffic violation that constitute careless driving. Amends the devices that are included as examples of a handheld wireless communication device while operating a moving motor vehicle, the exceptions, and penalties.		Reduced from \$200 to \$100		

2014 Totals *									
New 1 st Degree Felonies	New 2 nd Degree Felonies	New 3 rd Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions per year	Anticipated Fiscal Impact ^a
1 removed		4 new 2 removed	5 new 1 removed	7 new 2 removed	1 new		5 new 1 reduced		\$105,600
2013 Totals									
3	10	4	2	11	1			7.3	\$6,663,850
2012 Totals									
1	12	16	13	26	6	1	4		\$1,780,400
2011 Totals									
	10	4	2	11	1			7.3	\$6,663,850
2010 Totals									
1	3	4	6	14	4		4		\$918,00
2009 Totals									
	1	7	9	10	4	2	°	1	\$301,700

* New Crime totals include penalties increased or decreased from a previously existing penalty.

^a The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

[°] Information regarding new fines or fees to offenders was not tracked in these years.